## REMARKS

The application has been reviewed in light of the final Office Action dated November 14, 2008. Claims 1-16 are pending in this application. By the present Amendment, claim 14 has been amended to clarify the claimed subject matter, without narrowing a scope thereof. Applicant submits that no new matter and no new issues are introduced by the amendment. Accordingly, entry of the amendment is requested. Claims 1-16 would remain pending upon entry of this Amendment, with claims 1, 7, 13 and 14 being in independent form.

Claims 14-16 were rejected under 35 U.S.C. §101 as purportedly directed to non-statutory subject matter.

By the present Amendment, claim 14 has been amended to clarify the claimed subject matter, without narrowing a scope thereof. Applicant submits that no new matter and no new issues are introduced by the amendment.

It is contended in the Office Action that "first network terminal apparatus" and "second network terminal apparatus" are software ***per se***.

Applicant traverse such contention as being contradictory to the Patent Office's general policy regarding software. That is, it is the Patent Office's general position that software ***per se*** is merely descriptive and cannot be deemed an apparatus or device until it is embodied in a computer readable medium and is executable by a processor or computer.

Thus, when "first network terminal apparatus" and "second network terminal apparatus" are read on software, they must read on software embodied in a computer readable medium and executable by a processor or computer, thereby rendering each of the "first network terminal apparatus" and "second network terminal apparatus" to be the type of subject matter that

complies with the requirements under Section 101.

Further, it is noted that in claim 14, the "second network terminal apparatus" is "connected to the first network terminal apparatus via a network". One software cannot be connected to another software via a network, unless the one is executing on a terminal, computer or machine and the other is also executing on a terminal, computer or machine, in which case, again, "first network terminal apparatus" and "second network terminal apparatus", when read on software, must read on the software embodied in a computer readable medium and executable by a processor or computer.

Further, claims 15 and 16 do not reference a system at all, but rather depend from claim 1 which is directed to a network terminal apparatus (that is, subject matter that is clearly compliant with the requirements of 35 U.S.C. §101).

Withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

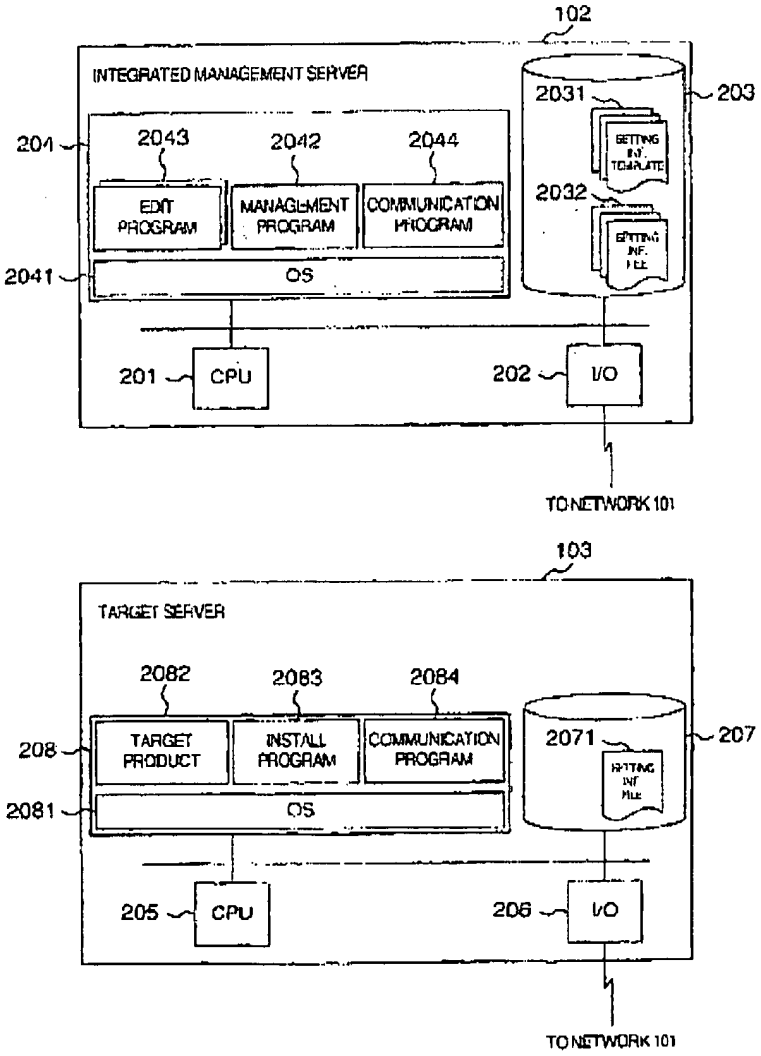
Claims 1-16 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Kayashima et al. (US 2003/0055939 A1) in view of Henderson (US 2006/0101071 A1).

Applicant respectfully submits that the present application is allowable over the cited art, for at least the reason that the cited art does not disclose or suggest the aspects of the present application that a network terminal apparatus (a) transmits a command requesting setting information to one of the other network terminal apparatuses via a network, and receives the setting information from the one of the other network terminal apparatuses in response to said command, (b) sets itself (that is, the network terminal apparatus) in accordance with the received setting information, and (c) retrieves the setting information from its memory, in response to receipt of an acquisition request from another one of the other network terminal apparatuses, and

transmits the retrieved setting information to said another one of the other network terminal apparatuses in response to said acquisition request.

Kayashima, as understood by applicant, proposes a client-server system, as shown in Fig. 2 (reproduced below) of Kayashima, including an integrated management server (102) that provides security management service to a plurality of target servers (103-1 through 103-3).

FIG.2



A user operating an edit program (2043) on the integrated management server 102 utilizes a template 2031 to generate one or more setting information files (2032), and then the setting information file 2032 can be transmitted to each relevant target server.

However, as already discussed in the record, the integrated management server 102 in the system proposed by Kayashima does NOT ***transmit a command requesting setting information*** to one of the other network terminal apparatuses, receive the setting information from such other network terminal apparatus in response to the command, ***set itself (that is, the integrated management server 102)*** in accordance with the received setting information, and later retrieve the setting information from its memory (that is, that of the integrated management server 102), ***in response to receipt of an acquisition request from another network terminal apparatus*** requesting the setting information stored in the memory, and ***transmit the retrieved setting information to said another network terminal apparatus*** in response to the acquisition request.

Further, the target servers 103 in the system proposed by Kayashima likewise do not perform (a) through (c).

In the approach proposed in Kayashima, the setting information is entered by a user through a program at the integrated management server 102 and is transmitted by the integrated management server 102 to a target server 103, NOT in response to a command from the target server 103, but rather based on program control at the integrated management server 102.

The entry by the user of setting information through a program at the integrated management server 102 does NOT disclose transmitting a command requesting setting information to one of the other network terminal apparatuses via a network, and receiving the setting information from the one of the other network terminal apparatuses via the network in

response to said command. Such entry in Kayashima does not involve transmitting a command ***over a network*** and receiving by the integrated management server 102 setting information ***over the network***. As should be noted, the network terminal apparatus of the present application is connected to the other network terminal apparatuses via a network.

Further, the information entered by the user does not set (that is, configure) the integrated management server 102. Instead, it is transmitted to, and utilized by, other servers.

In addition, as acknowledged in the Office Action, Kayashima does not disclose or suggest that the integrated management server 102 or target server 103 transmits the retrieved setting information to another network terminal apparatus in response to an acquisition request from said another network terminal apparatus.

Henderson cannot cure the deficiencies of Kayashima because Henderson (based on U.S. application no. 10/549,306) has the filing date of March 18, 2004 which is eleven (11) months after the April 18, 2003 priority date of the present application. Although Henderson claims the benefit of U.S. provisional application no. 60/455,739 filed March 18, 2003, U.S. provisional application no. 60/455,739 does not disclose or suggest any of the above-mentioned aspects of the present application.

Indeed, Henderson itself (that is, US 2006/0101071) does not disclose or suggest any of the above-mentioned aspects of the present application.

Henderson, [0097], which was cited in the Office Action, states as follows:

> [0097] The invention may provide for essentially any system (e.g., a PC or a Server) to become a system site. System sites may persist and manage data and participate in a distributed P2P configuration (decentralized). That site may simultaneously assume the role of server or client in the (centralized) client-server configuration (wherein the client accesses data remotely managed by a server).

Thus, Henderson merely proposes that any personal computer or server computer can be a "system site" and such system site can participate on a peer basis in a P2P configuration or as a client or server in a centralized configuration.

However, Henderson, like Kayashima, does not disclose or suggest any of the above-mentioned aspects (a) through (c) of the present application.

Applicant submits that the cited art, even when considered along with common sense and common knowledge to one skilled in the art, does ***NOT*** render unpatentable the above-mentioned aspects of the present application.

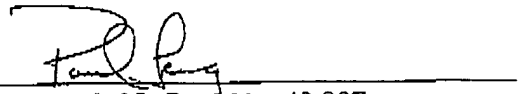
Accordingly, applicant respectfully submits that independent claims 1, 7, 13 and 14, and the claims depending therefrom, are patentable over the cited art.

In view of the remarks hereinabove, applicant submits that the application is now allowable. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such petition. The Patent Office is hereby authorized to charge any Required fees, and to credit any overpayment, to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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